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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,497	11/19/2003	Alok Kumar	10559-875001 / P17394	8237
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EXAMINER NGUYEN, VAN H				
ART UNIT		PAPER NUMBER		
2194				
NOTIFICATION DATE		DELIVERY MODE		
02/06/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

**Office Action Summary****Application No.**

10/718,497

**Applicant(s)**

KUMAR ET AL.

**Examiner**

VAN H. NGUYEN

**Art Unit**

2194

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/21/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 16-26, 33-41 and 44-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15, 27-32, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This communication is responsive to the amendment filed 11/21/2008.

Claims 1-151 are pending in the application.

Applicant is required to cancel non-elected claims 16-26, 33-41, and 44-51 in the next response to this office action.

### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 30, 31, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

#### **As to claim 30:**

The term “this packet” lacks antecedent basis.

**As to claim 31:**

The term “the packet” lacks antecedent basis.

**As to claim 43:**

The term “the system” lacks antecedent basis.

**Claim Rejections - 35 USC § 101**

3. 35 U.S.C. 101 reads as follows:

*Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.*

**Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 1-15 recite a method comprising steps that may be performed mentally and/or manually by a human being. Thus, the method neither explicitly recites another statutory class of invention (i.e., a machine, a manufacture or a composition of matter) nor inherently requires the use of a particular machine or apparatus. Accordingly, the recited invention is nonstatutory subject matter.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 15, 27-32, 42, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chen et al.** (US 6958973 B1)

#### **As to claims 1, 27, and 42:**

Chen teaches dynamically binding an event context to an execution context in response to receiving events by: storing arriving events into a global event queue that is accessible by event contexts;

storing events from the global event queue in per-execution context event queues; and associating an event queue with the execution context to temporarily store events for the event context for a duration of the dynamic binding (see Abstract, Figs. 4-6, col.5, lines 1-28, and col.7, line 19-col.11, line 21).

**As to claim 2:**

Chen teaches execution context can be in one of four states, idle, binding, bound, or unbinding binding (see Figs. 4-6 and the associated text).

**As to claim 3:**

Chen teaches in the bound state, an execution context is bound to a specific event context and the execution context processes events for that event context and the event queue associated with that execution context is used to store events for the event context to which it is bound (see Figs. 4-6 and the associated text).

**As to claim 4:**

Chen teaches in the unbinding state, the execution context determines if it has any more events to process for the event context to which it was bound and either unbinds itself from the event context, going to idle state or begins processing another event from that context, going back to bound state (see Figs. 4-6 and the associated text).

**As to claim 5:**

Chen teaches in the event context can be in one of two states, unbound or bound (see Figs. 4-6 and the associated text).

**As to claims 6 and 43:**

Chen teaches the global FIFO event queue is used to queue events when the events first arrive into the system (see Figs. 4-6 and the associated text).

**As to claims 7 and 28:**

Chen teaches maintaining execution contexts in an idle state until an event arrives at a head of the global event queue (see Figs. 4-6 and the associated text).

**As to claims 8 and 29:**

Chen teaches assigning an execution context that is in idle state to process the packet (see Figs. 4-6 and the associated text).

**As to claims 9 and 30:**

Chen teaches removing an event from the events for the event context in the event queue; determining the event context; and determining if the event context to which this packet belongs is already bound to an execution context (see Figs. 4-6 and the associated text).

**As to claims 10 and 31:**

Chen teaches if the event context is already bound, binding an execution further comprises placing the packet in the event queue of the other execution context to which the event context associated with the packet is already bound to; unbinding the event

context; and returning to an idle state (see Figs. 4-6 and the associated text).

**As to claims 11 and 32:**

Chen teaches if the event context is not already bound, binding an execution further comprises binding the execution context to that event context by updating a state of the execution context from idle to bound, updating the state of the event context from “not bound” to bound, and recording that this execution context is bound to this event context; and processing the event (see Figs. 4-6 and the associated text).

**As to claim 15:**

Chen teaches the events are packets (see Figs. 4-6 and the associated text).

### **Indication of Allowable Subject Matter**

5. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, subject to the 101 rejection detailed above and subject to a final search.



### **Response to Arguments**

6. Applicant's arguments regarding claims 1-15, 27-32, 42, and 43 are persuasive. However, new grounds of rejection are set forth in the Office Action.

### **Conclusion**

7. The prior art made of record, see PTO 892, and not relied upon is considered pertinent to applicant's disclosure. Applicant should review these references carefully before responding to this office action.

### **Contact Information**

8. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM 6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG-AI AN can be reached at (571) 272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/

**Primary Examiner, Art Unit 2194**